

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 20-886V

Filed: March 18, 2021

UNPUBLISHED

MARK THOMAS, on behalf of his
minor child, Z.T.,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Special Master Horner

Order Concluding Proceedings;
Vaccine Rule 10(d)

*Andrew Donald Downing, Van Cott & Talamante, PLLC., Phoenix, AZ, for petitioner.
Jeremy Fugate, U.S. Department of Justice, Washington, DC, for respondent.*

ORDER CONCLUDING PROCEEDINGS¹

On July 21, 2021, petitioner, Mark Thomas, filed a petition under the National Childhood Vaccine Injury Act, 42 U.S.C. § 300aa-10-34 (2012), alleging that his minor child's July 26, 2017 Gardasil vaccination caused a severe adverse reaction and that the Gardasil vaccine has been connected to autonomic nervous system dysfunction. On March 18, 2021, I issued a notice indicating that statutory 240-day period for the special master's issuance of a decision in this case has expired. (ECF No. 26.) On March 18, 2021, petitioner filed a Notice of Intent to Withdraw his Petition pursuant to 42 U.S.C. §300aa-21(b) and requested that an order concluding proceedings be issued. (ECF No. 27.)

¹ Because this decision contains a reasoned explanation for the special master's action in this case, it will be posted on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. See 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the decision will be available to anyone with access to the Internet.** In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information the disclosure of which would constitute an unwarranted invasion of privacy. If the special master, upon review, agrees that the identified material fits within this definition, it will be redacted from public access.

Vaccine Rule 10(d) states:

If the special master fails to issue a decision within the time specified in Vaccine Rule 10(b), the special master must file a notice to petitioner pursuant to 42 U.S.C. §300aa-12(g)(1). Within 30 days after the date of filing of the special master's notice, the petitioner may file a notice to continue or withdraw the petition pursuant to 42 U.S.C. §300aa-21(b). If the petitioner elects to withdraw the petition, the special master must issue an order concluding proceedings. The special master's order, upon entry will be deemed a judgment for purposes of 42 U.S.C. §300aa-15(e)(1).

Accordingly, petitioner's request is granted, and the Court of Clerk is hereby notified that the proceedings of this petitioner are now concluded, but no judgment should be entered by the Clerk's Office.

IT IS SO ORDERED.

s/Daniel T. Horner

Daniel T. Horner
Special Master